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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,797	08/25/2003	Akihiro Matsuya	00862.023188.	1223

5514 7590 08/01/2008  
FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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GELAGAY, SHEWAYE

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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08/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/646,797	<b>Applicant(s)</b> MATSUYA, AKIHIRO	
	<b>Examiner</b> SHEWAYE GELAGAY	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/21/08.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This office action is in response to Applicant's amendment filed on 4/21/2008. Claims 1-3, 7 and 10 have been amended. Claims 8-9 have been cancelled. Claims 1-7 and 10 are pending.

### ***Response to Arguments***

1. Applicants arguments filed April 21, 2008 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berson et al. (hereinafter Berson) U.S. Patent Number 6,938,154 in view Rublee et al. (hereinafter Rublee) US 2003/0043416.

As per claims 1, 7 and 10:

Berson teaches an authentication method of an image processing system in which a host computer, an authentication apparatus and an image processing apparatus are connected to a network, the method comprising:

a first request step of, at the host computer, issuing a request for authentication to the image processing apparatus when the host computer remotely operates the image processing apparatus; (col. 4, line 26-col. 5, line 3)

a transmission step of, at the image processing apparatus, which performs authentication process on an operation level of the remote operation, to the host computer in case where the host computer is authenticated in response to the request step; (col. 4, line 26-col. 5, line 3)

a remote operation step of, at the host computer, remotely operating the image processing apparatus in accordance with the operation level authenticated in the authentication step. (col. 4, line 26-col. 5, line 3)

Berson does not explicitly disclose transmitting data specifying the authentication apparatus; a second request step of, at the host computer, issuing a request for the authentication process to the authentication apparatus based on the data transmitted at the transmission step; and performing the authentication process in response to the request step. Rublee in analogous art, however, teaches transmitting data specifying the authentication apparatus; a second request step of, at the host computer, issuing a request for the authentication process to the authentication apparatus based on the data transmitted at the transmission step; and performing the authentication process in response to the request step. (page 3, pp. 25-29) Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the system disclosed by Berson with Rublee in order to provide an authentication means that to authenticate the apparatus on the network by accepting information identifying a user of the apparatus. (page 1, pp. 8; Rublee)

As per claim 6:

The combination of Berson and Rublee teaches all the subject matter as discussed above. In addition Berson further discloses a method wherein the operation with respect to the information is at least one of download, browsing, printing, and transfer. (col. 4, lines 26-35)

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berson et al. (hereinafter Berson) U.S. Patent Number 6,938,154 in view Rublee et al. (hereinafter Rublee) US 2003/0043416 and further in view of US Publication Number 2003/0163730 and in view of Matasushima U.S. Patent Number 7,117,493.

As per claim 2:

The combination of Berson and Rublee teaches all the subject matter as discussed above. Both references do not explicitly disclose wherein the transmission step add-on software including the data is transmitted to the host computer, and in said authentication step the authentication process is executed by the add-on software. Matasushima in analogous art, however, discloses wherein the transmission step add-on software including the data is transmitted to the host computer, and in said authentication step the authentication process is executed by the add-on software. (col. 4, lines 1-31; col. 8, lines 38-55) Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Berson and Rublee with Matasushima in order to have a system to legitimately and efficiently acquire and execute software after the image processing device is activated. (col. 1, lines 45-54; Matasushima)

5. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berson et al. (hereinafter Berson) U.S. Patent Number 6,938,154 in view Rublee et al.

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(hereinafter Rublee) US 2003/0043416 in view of Matasushima U.S. Patent Number 7,117,493 and further in view of Okazaki et al. (hereinafter Okazaki) U.S. Patent Number 7,158,657.

As per claims 3-4:

The combination of Berson, Rublee and Matasushima teaches all the subject matter as discussed above. Both references do not explicitly disclose a method wherein the authentication process is performed using a dictionary which defines codes stored in the host computer and operations with respect to the image processing apparatus. Okazaki in analogous art, however, discloses wherein the authentication process is performed using a dictionary which defines codes stored in the host computer and operations with respect to the image processing apparatus. (figure 23, item 114; col. 18, lines 25-28) Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Berson, Rublee and Matasushima with Okazaki in order to collate the operations with registered operation in the authentication server. (col. 1, lines 45-54; Matasushima)

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berson et al. (hereinafter Berson) U.S. Patent Number 6,938,154 in view Rublee et al. (hereinafter Rublee) US 2003/0043416 in view of Matasushima U.S. Patent Number 7,117,493 and further in view of Okazaki et al. (hereinafter Okazaki) U.S. Patent Number 7,158,657 and Roskind et al. (hereinafter Roskind) US Publication Number 2003/0163730.

As per claim 5:

The combination of Berson, Rublee, Matasushima and Okazaki teaches all the subject matter as discussed above. None of the references explicitly disclose wherein the data is an address of the authentication apparatus on the network is determined by add-on software. Roskind in analogous art, however, teaches wherein the data is an address of the authentication apparatus on the network is determined by add-on software. (page 3, paragraph 31) Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the system disclosed by Berson, Rublee, matasushima and Okazaki with Roskind in order to have a distributed authentication system with relatively small size of authentication database. In this way, the user's detailed authentication information is stored only in one participant server's authentication database. (page 3, paragraph 31; Roskind)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEWAYE GELAGAY whose telephone number is (571)272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. G./

Examiner, Art Unit 2137

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2136



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